

STAFF REPORT

Meeting Date: May 15, 2002

TO: LAFCO Commissioners

FROM: Everett Millais, Executive Officer

SUBJECT: North Shore at Mandalay Bay Proposals – One Year Extension of Time Requests

RECOMMENDATION:

Adopt resolutions granting extensions of time to June 30, 2003, for the following proposals, all relating to the North Shore at Mandalay Bay project:

- a) LAFCO 99-33 City of Oxnard – North Shore Reorganization
- b) LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District
- c) LAFCO 01-13 – Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2
- d) LAFCO 01-14 – City of Oxnard – North Shore Reorganization No. 2

DISCUSSION:

The City of Oxnard and Calleguas Municipal Water District have each filed requests to extend the time for completion of proceedings for the North Shore at Mandalay Bay proposals for one year. The reasons both agencies have made this request is to allow time for the City Of Oxnard to consider a Coastal Development Permit for the North Shore at Mandalay Bay project and for the City or the County to consider a Coastal Development Permit for a nearby property required to be purchased and used as a mitigation site for the propagation of rare and endangered plant species. Recently, in April 2002, the California Coastal Commission approved a change to the City of Oxnard's Local Coast Plan allowing residential use consistent with the proposed North Shore at Mandalay Bay project. This action by the Coastal Commission allows for the City to consider the necessary Local Coastal Permit, but also required that a site to the northwest of the project area (adjacent to and northerly of the Reliant Energy power

COMMISSIONERS AND STAFF

COUNTY Steve Bennett, Chair Kathy Long <i>Alternate:</i> Judy Mikels	CITY Linda Parks John Zaragoza <i>Alternate:</i> Evaristo Barajas	SPECIAL DISTRICT Jack Curtis John Rush <i>Alternate:</i> Dick Richardson	PUBLIC Louis Cunningham, Vice Chair <i>Alternate:</i> Kenneth M. Hess
EXECUTIVE OFFICER Everett Millais	PLANNER III Hollie Brunsky	CLERK Debbie Schubert	LEGAL COUNSEL Noel Klebaum

generation facility) be purchased and used as a mitigation area for the propagation of rare and endangered plant species. Use of the off-site property will require a separate Coastal Development Permit from the County, or from the City of Oxnard if the City decides to request further reorganization proceedings (the site is in the City's sphere of influence).

LAFCO first approved the initial two related proposals for the North Shore at Mandalay project, LAFCO 99-33 City of Oxnard – North Shore Reorganization North Shore and LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District, on April 20, 2000. Based on requests for reconsideration by the project developers, the Environmental Defense Center and the Los Padres Chapter of the Sierra Club, both proposals were reheard on June 21, 2000. Upon reconsideration, LAFCO again unanimously approved both proposals. These proposals, consisting of 82.255 acres and 88.964 acres of area respectively, were for the main portion of the North Shore at Mandalay Bay project located at the northeasterly corner of the intersection of Harbor Boulevard and 5th Street.

On May 16, 2001, LAFCO approved an extension of time for completion of proceedings to June 21, 2002, for these two original North Shore at Mandalay Bay proposals. The reason for granting the extension of time was to allow extra time for applications relating to the proposed project to be considered by the California Coastal Commission.

On June 13, 2001, LAFCO approved two additional proposals relating to the North Shore at Mandalay Bay project, LAFCO 01-13 – Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2, and LAFCO 01-14 – City of Oxnard – North Shore Reorganization No. 2. These proposals, each consisting of approximately 5.89 acres, provide for a 70-foot wide area along the westerly side of the Reliant Energy (formerly Edison) Canal area to be made a part of the proposed North Shore at Mandalay Bay development and dedicated to the City of Oxnard for public recreational purposes. Like all LAFCO actions, completion of proceedings for these two approvals must occur within one year of approval unless extended.

As background about all the prior LAFCO actions and the North Shore at Mandalay Bay project, all prior staff reports and LAFCO resolutions are attached.

Government Code Section 57001 states:

“If a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any

period deemed reasonable to the commission for completion of necessary prerequisite actions by any party.”

When the first extensions were approved for the North Shore at Mandalay Bay proposals, local policies in the Commissioner’s Handbook provided for the Commission to grant only one, maximum one-year extension of time request for any proposal. The Commissioner’s Handbook was amended effective January 1, 2002, and these local restrictions were deleted. The primary reason for deleting this fairly arbitrary one-year limit was to allow the Commission more flexibility to deal with circumstances where the overall project entitlement process is complex. The Commission is now only limited by the provisions of the Government Code in considering extension of time requests (i.e. reasonable extensions for completion of necessary prerequisite actions).

Section 57001 could be interpreted to allow only one extension of time. The purpose of the section, however, is to avoid having incomplete proceedings pending for an indefinite period. Impliedly, the Commission has discretion to extend the deadline “for any period deemed reasonable” for a second (or even a third) time.

The extension of time requests that have now been filed by both the City of Oxnard and Calleguas Municipal Water District for the North Shore proposals are because the North Shore project still does not have all the necessary entitlements to proceed. Further action by the City of Oxnard relating to a Coastal Development Permit is necessary for the project site and a related Coastal Development Permit is necessary for a separate property required to be used as a propagation site for rare and endangered plant species. It is also possible that further LAFCO action relating to the mitigation site could be requested by the City of Oxnard. Without all entitlements the area involved in all the related LAFCO proposals would likely not need services, at least not within the next several years. Thus, unless the project receives all entitlements there is no real need to complete the various annexation proceedings, at least not at this time.

While the various LAFCO proceedings could potentially be completed before their respective June 2002 expiration dates, to do so will require substantial fees to be paid for service connections, especially standby charges for Metropolitan Water District. The project developers obviously prefer not to pay these service connection charges until they have all approvals.

LAFCO can certainly deny the extension of time requests, but denial actions would only affect the requested extensions of time. The LAFCO approvals of the reorganization and annexation actions will remain effective until June 13, 2002 for the proposals relating to the 70 foot wide area to be dedicated for recreations space, and until June 21, 2002 for the proposals relating to the main project area. If LAFCO denies the extension of time requests, the only way the project developers could preserve their ability to have the necessary Coastal Development Permit considered by the City of Oxnard, and the related Coastal Development Permit for the mitigation site considered by either the

County or the City, would be to pay the fees to Calleguas for Metropolitan Water District, thus causing Calleguas to notify LAFCO to record and finalize the reorganization and annexation before either June 13 or June 21, 2002. In such a scenario the reorganization and annexation would be finalized whether or not the City of Oxnard approves the Coastal Development Permit for the project.

Staff believes that it would not be in the best interest of any of the parties to deny the requested extensions of time and potentially force the prospect of having the reorganization and annexation finalized when the project causing the need for services can still be denied. The City of Oxnard's action on a Coastal Development Permit, and the related Coastal Development Permit for the mitigation site, qualify as "prerequisite" actions. Given the overall complexity of this project and the fact that there may be a request for further LAFCO action concerning the mitigation, site a one year (or until June 30, 2003, as recommended) is a reasonable time frame.

ALTERNATIVES TO THE RECOMMENDATION - ACTIONS AVAILABLE:

- A. If the Commission, following public testimony and the review of the materials submitted, determines that further information is necessary, a motion to continue the matter should state specifically the type of information desired and specify a date certain for further consideration.
- B. If the Commission, following the public testimony and review of materials submitted wishes to deny the extension of time requests, a motion to deny should be made separately for each action.

Attachments:

- 1. Resolutions granting extensions of time to June 30, 2003, for:
 - a) LAFCO 99-33 City of Oxnard – North Shore Reorganization
 - b) LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District
 - c) LAFCO 01-13 – Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2
 - d) LAFCO 01-14 – City of Oxnard – North Shore Reorganization No. 2
- 2. April 20, 2000 staff reports and resolutions:
 - a) LAFCO 99-33 City of Oxnard – North Shore Reorganization
 - b) LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District

3. June 21, 2000 staff reports and resolutions:
 - a) LAFCO 99-33 City of Oxnard – North Shore Reorganization
 - b) LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District
4. May 16, 2001 staff reports and resolutions:
 - a) LAFCO 99-33 City of Oxnard – North Shore Reorganization
 - b) LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District
5. June 13, 2001 staff reports and resolutions:
 - a) LAFCO 01-13 – Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2
 - b) LAFCO 01-14 – City of Oxnard – North Shore Reorganization No. 2

LAFCO 99-33-A2
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION APPROVING AN
ADDITIONAL ONE YEAR EXTENSION OF TIME FOR
CITY OF OXNARD - NORTH SHORE REORGANIZATION

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) approved, upon reconsideration, the City of Oxnard – North Shore Reorganization on June 21, 2000; and

WHEREAS, Government Code Section 57001 requires that a certificate of completion be recorded within one year after LAFCO approved the reorganization proposal, unless extended by LAFCO; and

WHEREAS, LAFCO on May 16, 2001 LAFCO approved an extension of time until June 21, 2002 for the certificate of completion to be recorded in order for Coastal Commission action to occur relating to the proposal; and

WHEREAS, the City of Oxnard has submitted a request to LAFCO to further extend the time for the recordation of a certificate of completion for an additional one year time period so that the City can consider a Coastal Development Permit relating to the proposal; and

WHEREAS, the request was submitted prior to the expiration of the one year time limit set forth in Section 57001, as extended by the Commission, and all LAFCO fees have been paid; and

WHEREAS, approval of a Coastal Development Permit by the City of Oxnard and a related Coastal Development Permit for a site to be used as a rare and endangered species plant propagation area are prerequisite actions for services to be necessary; and

WHEREAS, denial of the request to extend the time for the recordation of a certificate of completion could cause the reorganization to be completed prior to final action by the City of Oxnard, and prior to the need for services to be provided to the reorganization area; and

WHEREAS, no new issues or impacts have been raised since LAFCO's approval of the reorganization proposal which were not known and considered at the time of approval; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the requested extension of time, including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, LAFCO finds the requested extension of time to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation dated May 15, 2002 is adopted.
- (2) The time frame for recording a certificate of completion to complete proceedings for LAFCO 99-33 City of Oxnard – North Shore Reorganization is hereby extended to June 30, 2003.
- (3) All provisions, terms and conditions of the resolution approving LAFCO 99-33, dated June 21, 2000, shall remain in effect.

This resolution was adopted on May 15, 2002.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Ventura Local Agency Formation Commission

Copies: City of Oxnard
Ventura County Assessor
Ventura County Auditor
Ventura County Elections
Ventura County Surveyor

LAFCO 99-33-A2 Resolution of Approval
Extension of Time Request
City of Oxnard – North Shore Reorganization
May 15, 2002
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LAFCO 00-02-A2
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION APPROVING AN
ADDITIONAL ONE YEAR EXTENSION OF TIME FOR
LAFCO 00-02 ANNEXATION NO. 67 (NORTH SHORE AT
MANDALAY BAY) TO THE CALLEGUAS MUNICIPAL
WATER DISTRICT AND METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) approved, upon reconsideration, LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District and Metropolitan Water District of Southern California on June 21, 2000; and

WHEREAS, Government Code Section 57001 requires that a certificate of completion be recorded within one year after LAFCO approved the reorganization proposal, unless extended by LAFCO; and

WHEREAS, LAFCO on May 16, 2001 LAFCO approved an extension of time until June 21, 2002 for the certificate of completion to be recorded in order for Coastal Commission action to occur relating to the proposal; and

WHEREAS, Calleguas Municipal Water District has submitted a request to LAFCO to further extend the time for the recordation of a certificate of completion for an additional one year time period so that the City of Oxnard can consider a Coastal Development Permit relating to the proposal; and

WHEREAS, the request was submitted prior to the expiration of the one year time limit set forth in Section 57001, as extended by the Commission, and all LAFCO fees have been paid; and

WHEREAS, approval of a Coastal Development Permit by the City of Oxnard and a related Coastal Development Permit for a site to be used as a rare and endangered species plant propagation area are prerequisite actions for services to be necessary; and

WHEREAS, denial of the request to extend the time for the recordation of a certificate of completion could cause the reorganization to be completed prior to final action by the City of Oxnard, and prior to the need for services to be provided to the reorganization area; and

WHEREAS, no new issues or impacts have been raised since LAFCO's approval of the reorganization proposal which were not known and considered at the time of approval; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the requested extension of time, including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, LAFCO finds the requested extension of time to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation dated May 15, 2002 is adopted.
- (2) The time frame for recording a certificate of completion to complete proceedings for LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District and Metropolitan Water District of Southern California is hereby extended to June 30, 2003.
- (3) All provisions, terms and conditions of the resolution approving LAFCO 00-02, dated June 21, 2000, shall remain in effect.

This resolution was adopted on May 15, 2002.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Calleguas Municipal Water District
Ventura County Assessor
Ventura County Auditor
Ventura County Elections
Ventura County Surveyor

LAFCO 01-13-A1
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION APPROVING A ONE YEAR
EXTENSION OF TIME FOR CALLEGUAS MUNICIPAL
WATER DISTRICT ANNEXATION – NORTH SHORE AT
MANDALAY BAY NO. 2 (CALLEGUAS ANNEXATION NO.
73)

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) approved the Calleguas Municipal Water District Annexation - North Shore at Mandalay Bay No. 2 (Calleguas Annexation No. 73) on June 13, 2001; and

WHEREAS, Government Code Section 57001 requires that a certificate of completion be recorded within one year after LAFCO approved the reorganization proposal, unless extended by LAFCO; and

WHEREAS, the Calleguas Municipal Water District has submitted a request to LAFCO to extend the time for the recordation of a certificate of completion for a one year time period so that the City of Oxnard can consider a Coastal Development Permit relating to the proposal; and

WHEREAS, the request was submitted prior to the expiration of the one year time limit set forth in Section 57001, and all LAFCO fees have been paid; and

WHEREAS, approval of a Coastal Development Permit by the City of Oxnard and a related Coastal Development Permit for a site to be used as a rare and endangered species plant propagation area are prerequisite actions for services to be necessary; and

WHEREAS, denial of the request to extend the time for the recordation of a certificate of completion could cause the reorganization to be completed prior to final action by the City of Oxnard, and prior to the need for services to be provided to the reorganization area; and

WHEREAS, no new issues or impacts have been raised since LAFCO's approval of the reorganization proposal which were not known and considered at the time of approval; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the requested extension of time, including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, LAFCO finds the requested extension of time to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation dated May 15, 2002 is adopted.
- (2) The time frame for recording a certificate of completion to complete proceedings for LAFCO 01-13 Calleguas Municipal Water District Annexation - North Shore at Mandalay Bay No. 2 (Calleguas Annexation No. 73) is hereby extended to June 30, 2003.
- (3) All provisions, terms and conditions of the resolution approving LAFCO 01-13, dated June 13, 2001, shall remain in effect.

This resolution was adopted on May 15, 2002.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Calleguas Municipal Water District
Ventura County Assessor
Ventura County Auditor
Ventura County Elections
Ventura County Surveyor

LAFCO 00-14-A1
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION APPROVING A ONE YEAR
EXTENSION OF TIME FOR CITY OF OXNARD - NORTH
SHORE REORGANIZATION NO. 2

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) approved the City of Oxnard – North Shore Reorganization on June 13, 2001; and

WHEREAS, Government Code Section 57001 requires that a certificate of completion be recorded within one year after LAFCO approved the reorganization proposal, unless extended by LAFCO; and

WHEREAS, the City of Oxnard has submitted a request to LAFCO to extend the time for the recordation of a certificate of completion for a one year time period so that the City can consider a Coastal Development Permit relating to the proposal; and

WHEREAS, the request was submitted prior to the expiration of the one year time limit set forth in Section 57001, and all LAFCO fees have been paid; and

WHEREAS, approval of a Coastal Development Permit by the City of Oxnard and a related Coastal Development Permit for a site to be used as a rare and endangered species plant propagation area are prerequisite actions for services to be necessary; and

WHEREAS, denial of the request to extend the time for the recordation of a certificate of completion could cause the reorganization to be completed prior to final action by the City of Oxnard, and prior to the need for services to be provided to the reorganization area; and

WHEREAS, no new issues or impacts have been raised since LAFCO's approval of the reorganization proposal which were not known and considered at the time of approval; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the requested extension of time, including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, LAFCO finds the requested extension of time to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation dated May 15, 2002 is adopted.
- (2) The time frame for recording a certificate of completion to complete proceedings for LAFCO 01-14 City of Oxnard – North Shore Reorganization No. 2 is hereby extended to June 30, 2003.
- (3) All provisions, terms and conditions of the resolution approving LAFCO 01-14, dated June 13, 2001, shall remain in effect.

This resolution was adopted on May 15, 2002.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: City of Oxnard
Ventura County Assessor
Ventura County Auditor
Ventura County Elections
Ventura County Surveyor

VENTURA LOCAL AGENCY FORMATION COMMISSION

Hall of Administration

800 South Victoria Avenue, L#1850

Ventura, CA 93009

(805) 654-2576 Fax (805) 654-5106

STAFF REPORT

April 19, 2000

- PROJECT:** **LAFCO 99-33** North Shore Reorganization - Annexation to the City of Oxnard, detachment from Ventura County Fire Protection, detachment from Ventura County Resource Conservation District.
- PROPONENT:** City of Oxnard, by Resolution
- SIZE:** Approximately 109 acres.
- LOCATION:** Northeast of the intersection of West Fifth Street and Harbor Boulevard, in the Oxnard area.
- PURPOSE:** To provide various community services for the proposed development of 353 single-family homes, to facilitate the remediation of soil and groundwater contamination of the site and to promote orderly governmental boundaries.
- PUBLICATION:** This hearing has been published and posted in the manner prescribed by the Cortese/Knox Local Government Reorganization Act of 1985.

BACKGROUND AND ANALYSIS:

1. Land Use and Zoning:

The site is mostly vacant. It includes a former oil field waste disposal site and a portion of the Southern California Edison canal.

The parcel is presently County zoned C-O-S-40 (Coastal Open Space, 40-acre minimum lot size). Currently the proposed use does not conform with this unincorporated zoning. The approved rezoning which will become effective upon the annexation to the City will be R-B-1 (Single Family Beach) to conform with the City's General Plan.

COMMISSIONERS AND STAFF:

COUNTY:
Kathy Long
Judy Mikels
Frank Schillo, *Alternate*

CITY:
Robin Sullivan
James L. Monahan
William Liebmann, *Alternate*

PUBLIC:
Jay R. Scott
Linda Brewster, *Alternate*

SPECIAL DISTRICT:
James Acosta
John Rush
Jack Curtis, *Alternate*

EXECUTIVE OFFICER:
Everett Millais

ACTING SECRETARY TO THE COMMISSION:
Gayle Moroney

Nearby urban uses include an existing mobile home park to the southwest and a power generating station to the northwest, both of which are in the City of Oxnard.

Adjacent land uses:

North: Electrical energy generating facility; agriculture (row crops)
South: Vacant Land
East: Agriculture (row crops)
West: Sand Dunes

Adjacent Zoning:

North: EC (Coastal Energy Facility)
South: CVC (Coastal Visitor Serving); RP (Coastal Resource Protection)
East: A-E (Agriculture Exclusive, 40 acre min) is County Zoning
West: RP (Coastal Resource Protection)

Adjacent General Plan designations:

North: Industrial/Public Utilities, Energy Facilities
South: Visitor Serving Commercial, Open Space
East: Open Space/Agriculture
West: Coastal Resource Protection; Open Space

The City General Plan designates the land as Low Density Residential.

The County General Plan designates the site as Open Space.

2. Conformity with Plans:

The proposal is consistent with the AGuidelines for Orderly Development@

The property is not in the City sphere and is in the spheres of the detaching agencies. It is requested that the spheres be amended.

The proposal is consistent with the A208" Plan and the Air Quality Management Plan.

The site is within the CURB for the City of Oxnard.

The site is not within an approved greenbelt.

The annexation and proposed development are consistent with the City of Oxnard-s

General Plan.

3. **Topography, Natural Features and Drainage Basins:**

The site is generally level, reflective of its earlier use as an oil field waste disposal facility. The topography of surrounding areas is generally level, except for coastal sand dunes to the west and south.

A portion of the Reliant Energy Canal, providing water to the adjacent Reliant Energy generating facility, will be annexed as a part of this proposal.

The site contains unique biological resources. Upon annexation and subsequent development, substantial environmental protection measures will be implemented to protect and enhance these resources.

4. **Population:**

The proposed annexation is considered uninhabited. There are no dwelling units within the proposed area.

The proposal is to build 353 single family dwellings. The proposed dwelling units could result in an increase in calculated population of 1,200 persons.

5. **Services and Controls - Need, Cost, Adequacy and Availability:**

A full range of municipal services will be provided including water supply, sewage disposal and treatment, drainage, law enforcement, fire protection, street lighting, recreation and parks, library, transit and City Hall services. Streets will be privately owned and maintained.

The level and range of municipal services will be similar to other properties within the City.

Services can be extended immediately upon annexation and development of urban uses on the property.

Utility improvements can be extended from existing water and sewer mains in the vicinity of the site. Adjacent streets and utility lines will be improved, extended and constructed as needed in conjunction with the development of the site.

The capital improvements necessary for the development of the property will be financed by the landowner/developer.

Ongoing maintenance and operation costs for municipal services will be funded from various City revenues including but not limited to sales taxes, property taxes,

charges for services, and potential future assessments from districts formed for this project.

There are no feasible alternatives for providing municipal services including water supply and sewage disposal for the property or for implementing the Guidelines for Orderly Development.

6. Impact on Prime Agricultural Land, Open Space and Agriculture:

The area to be annexed is not agricultural land. The annexation and development of this property will not adversely affect other property.

The Environmental Impact Report states that there is no other property available within the Oxnard City limits or Sphere of Influence that could reduce the proposed project's environmental impacts and, in fact, this site is superior environmentally because it is not agricultural land and its development will remediate existing soil and groundwater contamination.

The site is not considered open space as defined in Government Code Section 65560.

The site is not considered entirely or partly agricultural lands as defined in Government Code Section 66064.

The conversion of agricultural and open-space land within the City of Oxnard's sphere of influence has been addressed in several prior documents, including the EIR on the City of Oxnard's 2020 General Plan.

The City of Oxnard has extensive policies promoting infill and reuse of underutilized property, including an active redevelopment program. The City considers this property to be underutilized in its current condition.

7. Assessed Value, Tax Rates and Indebtedness:

The proposal is presently within Tax Rate Areas 73012 and 73013. (\$1.125708).

The assessed value is \$2,823,776 (1999-2000 tax roll).

The City of Oxnard has existing bonded debt; the other affected agencies do not. The subject territory will be liable for payment of its share of this existing indebtedness through property taxes, assessments, and charges for services.

8. Environmental Impact of the Proposal:

The City of Oxnard is the lead agency for this proposal. An Environmental Impact Report No. 96-1 (State Clearinghouse No. 97061004) has been adopted. The City made findings listing significant environmental impacts anticipated from the Project, and adopted a Statement of Overriding Considerations concerning biological resources (transplantation and relocation of milk-vetch is experimental and potentially significant) and solid waste facilities (cumulative potential impacts with other projects based on City of Oxnard threshold of significance).

9. **Landowner Consent:**

Landowner consent to the annexation has been obtained.

10. **Boundaries, Lines of Assessment and Registered Voters:**

The boundaries are definite and certain. The proposal is the area of development entitlements for the project. The site is contiguous with the existing City boundaries on the north, south and west.

Adjacent lands are in different ownerships and should not be included.

There are no registered voters.

Maps sufficient for filing with the State Board of Equalization have **not** been received from the City of Oxnard.

11. **Staff Recommendation:**

Approval.

ALTERNATIVE ACTIONS AVAILABLE:

- A. If the Commission, following public hearing and review of materials submitted, can make the necessary findings to approve this application, the following actions should be taken:
1. Certify that your Commission has reviewed and considered the information contained in the Environmental Impact Report, Findings of Impact, Statement of Overriding Considerations, and Mitigation Measures.
 2. Adoption of Findings of Impact, Statement of Overriding Considerations and Mitigation Measures in the form adopted by the Lead Agency, and make a specific determination that the significant issues and proposed mitigation measures as adopted by the Lead Agency adequately address the project

(Sections 15091, 15093 and 15096[h].

3. Direct Staff to prepare and file a Notice of Determination in the same manner as a Lead Agency under Section 15075, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency (Section 15096[i]).
 4. Adopt this report and approve the proposal, to be known as **LAFCO 99-33 North Shore Reorganization to the City of Oxnard** with the following conditions:
 - (a) **The City of Oxnard shall agree in writing to defend, indemnify and hold the Ventura Local Agency Formation Commission, its commissioners and staff harmless from and against all costs, expenses, fees, claims, demands and causes of action arising from the approval of this annexation to the City.**
 - (b) **That it not be recorded until maps and legal description suitable for filing with the State Board of Equalization are received by LAFCO.**
 - (c) **That this annexation be recorded at the same time and in conjunction with LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay to the Calleguas Water District and the Metropolitan Water District.**
 5. Waive the conducting authority further proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings (Government Code Section 56837).
- B. If the Commission, following the public hearing and review of materials submitted with this application wishes to deny or modify this application, a motion to deny should include:
1. Certify that your Commission has reviewed and considered the information contained in the Environmental Impact Report, Findings of Impact, Statement of Overriding Considerations, and Mitigation Measures.
 2. Adoption of Findings of Impact, Statement of Overriding Considerations and Mitigation Measures in the form adopted by the Lead Agency, and make a specific determination that the significant issues and proposed mitigation measures as adopted by the Lead Agency adequately address the project

(Sections 15091, 15093 and 15096[h].

3. Direct Staff to prepare and file a Notice of Determination in the same manner as a Lead Agency under Section 15075, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency (Section 15096[i]).
4. Adopt this report as part of the public record.

By:

EVERETT MILLAIS, Executive Officer

LAFCO 99-33
RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE NORTH SHORE
REORGANIZATION - ANNEXATION TO THE CITY OF OXNARD; DETACHMENT
FROM THE VENTURA COUNTY FIRE PROTECTION DISTRICT; AND
DETACHMENT FROM THE VENTURA COUNTY RESOURCE CONSERVATION
DISTRICT

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox Local Government Reorganization Act (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer has given notice of the public hearing by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on April 19, 2000, as specified in the notice of hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- 1) The Executive Officer's Staff Report and Recommendation for approval of the proposal is adopted.
- (2) Said annexation is hereby approved as submitted
- (3) Said territory is found to be uninhabited.

- (4) The subject proposal is assigned the following distinctive short form designation:

LAFCO 99-33 City of Oxnard- North Shore Reorganization

- (5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A attached hereto and made a part hereof.
- (6) The Commission has reviewed and considered the information contained in the Environmental Impact Report and adopts the lead agency's Findings of Impact, Statement of Overriding Considerations and Mitigation Measures and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (7) The Commission directs Staff to file a Notice of Determination in the same manner as a lead agency under Section 15094, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency [Section 15096(l)].
- (8) The proposal is subject to the following terms and conditions:
- (a) **City of Oxnard shall agree in writing to defend, indemnify and hold the Ventura Local Agency Formation Commission, its commissioners and staff harmless from and against all costs, expenses, fees, claims, demands and causes of action arising from the approval of this reorganization.**
 - (b) **That this reorganization not be recorded until maps and legal descriptions suitable for filing with the State Board of Equalization are received by LAFCO.**
 - (c) **That this reorganization will be recorded at the same time and in conjunction with LAFCO 00-02 - Annexation No. 67 (North Shore at Mandalay Bay) to the Callegus Municipal Water District and the Metropolitan Water District of Southern California.**

- (9) The Commission waives the conducting authority's further proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings. (Government Code Section 56837).

This resolution was adopted on April 19, 2000.

AYES:Commissioners Acosta, Liebmann, Long, Monahan, Rush and Chair Scott

NOES: None

ABSTAINS: None

Dated:_____

Chair, Ventura Local Agency Formation Commission

Copies:

Clerk, Conducting Authority via Certified Mail

Assessor

Auditor

Elections

Surveyor

Ventura County Fire Protection District

Ventura County Resource Conservation District

VENTURA LOCAL AGENCY FORMATION COMMISSION

Hall of Administration

800 South Victoria Avenue, L#1850
Ventura, CA 93009
(805) 654-2576 Fax (805) 654-5106

STAFF REPORT

April 19, 2000

- PROJECT:** **LAFCO 00-02** - Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.
- PROPONENT:** Calleguas Municipal Water District, by Resolution.
- SIZE:** Approximately 115 acres. (Note: The area proposed to be annexed is larger than the proposed Sphere of Influence amendment as Harbor Boulevard is already in the Calleguas Sphere).
- LOCATION:** Northeast corner of West Fifth Street and Harbor Boulevard, in the Oxnard area.
- PURPOSE:** Calleguas Municipal Water District is a wholesale purveyor of water to the City of Oxnard. This annexation will permit the City of Oxnard to provide water supplied by Calleguas to the property. Proposed for the site are 353 single-family homes and related amenities.
- PUBLICATION:** This hearing has been published and posted in the manner prescribed by the Cortese/Knox Local Government Reorganization Act of 1985.

BACKGROUND AND ANALYSIS:

1. Land Use and Zoning:

The site is currently a vacant oil field waste disposal site.

The parcel is presently County zoned C-O-S-40 (Coastal Open Space, 40-acre minimum lot size). Currently the proposed use does not conform with this unincorporated zoning. The approved rezoning which will become effective upon the annexation to the City will be R-B-1 (Single Family Beach) to conform with the City's General Plan.

COMMISSIONERS AND STAFF:

COUNTY:
Kathy Long
Judy Mikels
Frank Schillo, *Alternate*

CITY:
Robin Sullivan
James L. Monahan
William Liebmann, *Alternate*

PUBLIC:
Jay R. Scott
Linda Brewster, *Alternate*

SPECIAL DISTRICT:
James Acosta
John Rush
Jack Curtis, *Alternate*

EXECUTIVE OFFICER:
Everett Millais

ACTING SECRETARY TO THE COMMISSION:
Gayle Moroney

Adjacent land uses:

North: Electrical energy generating facility; agriculture (row crops)

South: Vacant Land

East: Agriculture (row crops)

West: Sand Dunes

Adjacent Zoning:

North: EC (Coastal Energy Facility)

South: CVC (Coastal Visitor Serving); RP (Coastal Resource Protection)

East: A-E (Agriculture Exclusive, 40 acre min.) is County Zoning

West: RP (Coastal Resource Protection)

Adjacent General Plan designations:

North: Industrial/Public Utilities, Energy Facilities

South: Visitor Serving Commercial, Open Space

East: Open Space/Agriculture

West: Coastal Resource Protection; Open Space

The City General Plan (Specific Plan) designates the land as Low Density Residential.

2. **Conformity with Plans:**

The proposal is consistent with the AGuidelines for Orderly Development@

The proposal is consistent with the A208" Plan and the Air Quality Management Plan.

The site is currently not within the District-s Sphere of Influence. It is requested that the Sphere be amended.

The site is within the CURB for the City of Oxnard.

The site is not within an approved greenbelt.

The annexation and proposed development are consistent with the City of Oxnard-s General Plan.

3. **Topography, Natural Features and Drainage Basins:**

The site is generally level, reflective of its earlier use as an oil field waste disposal facility. The topography of surrounding areas is generally level, except for coastal sand dunes to the west and south.

A portion of the Reliant Energy Canal, providing water to the adjacent Reliant Energy generating facility, will be annexed as a part of this proposal.

The site contains unique biological resources. Upon annexation and subsequent development, substantial environmental protection measures will be implemented to protect and enhance these resources.

4. Population:

The proposed annexation is considered uninhabited. There are no dwelling units within the proposed area.

The proposal is to build 353 single family dwellings. The proposed dwelling units could result in an increase in calculated population of 1,200 persons.

5. Services and Controls - Need, Cost, Adequacy and Availability:

The initiating Agency's A Plan for Providing Services within the Affected Territory is on file as required by Government Code Section 56653.

The Calleguas Municipal Water District supplies imported water to the City of Oxnard. This annexation will allow the City of Oxnard to purvey Calleguas water to the area.

Calleguas will provide the City of Oxnard with water for this property in the same manner as it is provided to other developed areas in the City.

Calleguas can extend services when City water is provided to the property.

Calleguas water will be provided to the City of Oxnard through existing facilities with no improvements or upgrading required.

Calleguas Municipal Water District capital construction charges will be paid by the developer. Ongoing maintenance and operational costs will be financed by water sales to the City of Oxnard and other general revenues of the Calleguas District.

There are no feasible alternatives for providing a dependable supply of potable water to the property.

6. Impact on Prime Agricultural Land, Open Space and Agriculture:

The area to be annexed is not agricultural land. The annexation and development of this property will not adversely affect other property.

The land as defined in Government Code Section 65560 is not open space.

The site is not considered entirely or partially agricultural lands as defined in Government Code Section 66064.

The boundaries of the Calleguas Municipal Water District encompasses much of the southern half of Ventura County and include significant open space and agricultural land.

7. Assessed Value, Tax Rates and Indebtedness:

The proposal is presently within Tax Rate Areas 73012 and 73013. (\$1.125708).

The assessed value is \$2,823,776 (1999-2000 tax roll).

Both Calleguas and Metropolitan Water Districts have outstanding bonded debt.

The subject property will be liable for payment of its share of existing indebtedness through ad valorem property taxes which will be used to pay a proportionate share of existing indebtedness. Annexation fees will pay escaped back taxes related to debt.

8. Environmental Impact of the Proposal:

The City of Oxnard is the lead agency for this proposal. An Environmental Impact Report No. 96-1 (State Clearinghouse No. 97061004) has been adopted. The City made findings listing significant environmental impacts anticipated from the Project, and adopted a Statement of Overriding Considerations concerning biological resources (transplantation and relocation of milk-vetch is experimental and potentially significant) and solid waste facilities (cumulative potential impacts with other projects based on City of Oxnard threshold of significance).

9. Landowner Consent:

Landowner consent to the annexation has been obtained.

10. Boundaries, Lines of Assessment and Registered Voters:

The boundaries are definite and certain. The site is contiguous with the existing District boundaries on the north, south and west. There are no registered voters.

Maps sufficient for filing with the State Board of Equalization have been received from the Calleguas Municipal Water District.

11. Staff Recommendation:

Approval

ALTERNATIVE ACTIONS AVAILABLE:

- A. If the Commission, following public hearing and review of materials submitted, can make the necessary findings to approve this application, the following actions should be taken:
1. Certify that your Commission has reviewed and considered the information contained in the Environmental Impact Report, Findings of Impact, Statement of Overriding Considerations and Mitigation Measures.
 2. Adoption of Findings of Impact, Statement of Overriding Considerations and Mitigation Measures in the form adopted by the Lead Agency, and make a specific determination that the significant issues and proposed mitigation measures as adopted by the Lead Agency adequately address the project. (Sections 15091, 15093, and 15096[h]).
 3. Direct Staff to prepare and file a Notice of Determination in the same manner as a Lead Agency under Section 15075, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency (Section 15096[i]).
 4. Adopt this report and approve the annexation to be known as **LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District and the Metropolitan Water District of Southern California** with the following condition:

That this annexation will be recorded at the same time and in conjunction with LAFCO 99-33 North Shore Reorganization to the City of Oxnard.
 5. Authorize the Calleguas Municipal Water District to initiate and conduct subsequent proceedings in compliance with the findings of the Local Agency Formation Commission only upon the signing of the resolution by the Chair.
- B. If the Commission, following the public hearing and review of materials submitted with this application wishes to deny or modify this application, a motion to deny should include:
1. Certify that your Commission has reviewed and considered the information contained in the Environmental Impact Report and Statement of Overriding Considerations.
 2. Adoption of findings of Impact, Statement of Overriding Considerations and Mitigation Measures in the form adopted by the Lead Agency, and make a specific determination that the significant issues and proposed mitigation measures as adopted by the Lead Agency adequately address the project. (Sections 15091, 15093, and 15096[h]).

3. Direct Staff to prepare and file a Notice of Determination in the same manner as a Lead Agency under Section 15075, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency (Section 15096[I]).
4. Adopt this report as part of the public record.

By:

EVERETT MILLIAS, Executive Officer

**LAFCO 00-02
RESOLUTION OF THE
VENTURA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING ANNEXATION NO. 67 (NORTH
SHORE AT MANDALAY BAY) TO THE CALLEGUAS MUNICIPAL WATER DISTRICT
AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox Local Government Reorganization Act (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer has given notice of the public hearing by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on April 19, 2000, as specified in the notice of hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have not given their written consent to the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation for approval of

the proposal is adopted.

- (2) Said annexation is hereby approved as submitted
- (3) Said territory is found to be uninhabited.
- (4) The subject proposal is assigned the following distinctive short form designation:
**LAFCO 00-002 Annexation No. 67 (North Shore at Mandalay Bay)
to the Calleguas Municipal Water District and Metropolitan Water
District of Southern California**
- (5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A attached hereto and made a part hereof.
- (6) The Commission has reviewed and considered the information contained in the Environmental Impact Report and adopts the lead agency's Findings of Impact, Statement of Overriding Considerations and Mitigation Measures and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (7) The Commission directs Staff to file a Notice of Determination in the same manner as a lead agency under Section 15094, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency [Section 15096(l)].
- (8) The proposal is subject to the following terms and conditions:

That this annexation be recorded at the same time and in

**conjunction with, LAFCO 99-33 North
Shore Reorganization to the City of
Oxnard.** (9) The Board of
Directors of Calleguas Municipal Water
District is designated as the conducting
authority and is hereby authorized to
proceed without notice, hearing and/or
election.

- (10) Authorize the Calleguas Municipal Water District to initiate and conduct
subsequent proceedings in compliance with the findings of the Local Agency
Formation Commission only upon the signing of the resolution by the Chair.

This resolution was adopted on April 19, 2000.

AYES: Commissioners Acosta, Liebmann, Long, Monahan, Rush, and Chair Scott.

NOES: None

ABSTAINS: None

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Clerk, Conducting Authority via Certified Mail
Assessor
Auditor
Elections
Surveyor



STAFF REPORT

June 21, 2000

- PROJECT:** Reconsideration – LAFCO 99 – 33 North Shore Reorganization – Annexation to the City of Oxnard, Detachment from the Ventura County Fire Protection District, Detachment from the Ventura County Resource Conservation District
- PROPONENT:** City of Oxnard, by Resolution
- SIZE:** Approximately 109 acres (approximately 89 acres without the Reliant Energy canal area)
- LOCATION:** The property is located at the northeast corner of West Fifth Street and Harbor Boulevard, in the Oxnard area
- PURPOSE:** To provide various community services for the proposed development of no more than 353 single-family homes, to facilitate the remediation of soil and groundwater contamination of the site and to promote orderly governmental boundaries.
- NOTICE:** This hearing for reconsideration has been published and posted in the manner prescribed by the Cortese/Knox Local Government Reorganization Act of 1985.

BACKGROUND:

This project was first heard on April 19, 2000. At that meeting the Commission voted unanimously to approve the proposed Reorganization. Subsequently, within the time frame provided by Cortese/Knox, three separate requests for reconsideration of this Reorganization were received. The first reconsideration request was filed on behalf of North Shore at Mandalay Bay, the proposed developer of the single-family home

COMMISSIONERS AND STAFF:

COUNTY:
Kathy Long
Judy Mikels

CITY:
Robin Sullivan, Chair
James L. Monahan

PUBLIC:
Jay R. Scott

SPECIAL DISTRICT:
John Rush, Vice Chair
Jack Curtis

EXECUTIVE OFFICER:
Everett Millais

ACTING SECRETARY TO THE COMMISSION:
Debbie Schubert

LAFCO Staff Report
Reconsideration – LAFCO 99 - 33
North Shore Reorganization
June 21, 2000
Page 2 of 5

project. The second reconsideration request was filed by the Environmental Defense Center on behalf of the California Native Plant Society. The third reconsideration request was filed by the Sierra Club. More detail about these requests is provided in the separate Staff Report that reviews the grounds for reconsideration and makes recommendations about whether or not the reconsideration requests should be granted.

The hearing for reconsidering this Reorganization proposal will only be held provided the Commission grants at least one of the reconsideration requests.

This Staff Report supplements the previous Staff Report, dated April 19, 2000, (copy attached) in order to review factors noted in the reconsideration requests and to provide recommendations for further action by the Commission.

ANALYSIS:

The reconsideration request filed on behalf of North Shore at Mandalay Bay, the proposed single-family developer, notes the procedural error involving lack of consent by all landowners and requests that the Commission modify its prior decision by excluding the Reliant Energy canal area (the area where the underlying landowner has not consented to annexation) from the reorganization proposal.

The two grounds for reconsideration stated by the EDC on behalf of the California Native Plant Society are that the lawsuit challenging the project environmental impact report (EIR) is not settled, contrary to representations made at the April 19, 2000 hearing, and that the Commission received inaccurate and incomplete information about the open space characteristics of the territory to be included in the Sphere of Influence Amendment. The grounds for the reconsideration request filed by the Sierra Club also are based on inaccurate and incomplete information about the open space characteristics of the property.

Lack of Landowner Consent and Reorganization Boundary Modification:

When the Commission first considered this reorganization proposal it granted approval and waived the conducting authority further proceedings based on representations as a part of the application that all landowners within the affected territory had given their written consent to the proposal. Subsequent information has shown that the representations made as a part of the application were incorrect as the owners of the Reliant Energy canal area had not given their written consent to the proposal. Given this significant procedural error, further action by the Commission is necessary.

LAFCO Staff Report
Reconsideration – LAFCO 99 - 33
North Shore Reorganization
June 21, 2000
Page 3 of 5

The Reliant Energy canal borders the easterly boundary of the proposal. It is approximately 230 feet in width and constitutes approximately 20 acres of the prior 109 acre area. Should the Sphere of Influence boundary for the City of Oxnard be amended as recommended, approving this reorganization request without the canal area would not create an island of unincorporated territory or otherwise conflict with the provisions of Cortese/Knox. Also, the other information contained in the April 19, 2000 staff report would remain valid, except as modified by this supplemental staff report.

Changed Settlement Status of the Environmental Litigation:

The EDC asks that the Commission reconsider its environmental decisions based on the changed settlement status of litigation involving the adequacy of the EIR for the project. The City of Oxnard as lead agency for the project prepared and certified an EIR, and adopted findings, a statement of overriding considerations, and a mitigation monitoring plan. As a responsible agency under the California Environmental Quality Act (CEQA) LAFCO can require the preparation of further environmental analysis in the form of a subsequent or supplemental EIR only based upon substantial evidence in the light of the whole record.

The whole record for this project includes the Memorandum of Understanding between the developer and the State Department of Fish and Game (provided separately to the Commission) which identifies project changes and enhanced mitigation measures. No new substantial evidence has been submitted to LAFCO indicating either substantial changes to the project circumstances or information not known when the EIR was certified. Staff does not believe that the changed settlement status of the environmental litigation per se is sufficient to require further environmental analysis or to not approve the Sphere of Influence Amendment.

Inaccurate and Incomplete Information About the Property's Open Space Designation:

At the April 19 hearing LAFCO heard testimony challenging the statement in the staff report that, the land is not considered open space as defined in Government Code section 65560. This statement is also part of the basis for the reconsideration requests by EDC and the Sierra Club.

In fact, this statement in the April 19, 2000 staff report was incorrect. Government Code section 65560 is attached for reference. As noted in the April staff report the County General Plan currently designates the property as Coastal Open Space. Further, as noted in the EDC letter requesting reconsideration, the County General Plan states that one of the purposes of open space designations is to preserve natural resources.

LAFCO Staff Report
Reconsideration – LAFCO 99 - 33
North Shore Reorganization
June 21, 2000
Page 4 of 5

Simply because a property is considered as open space pursuant to Government Code section 65560 does not, however, preclude LAFCO from including such property within a jurisdiction's sphere of influence or within a jurisdiction's boundaries. Cortese/Knox (section 56377) states that in approving or disapproving proposals which could reasonably be expected to cause the conversion of existing open space lands to other than open space uses, the Commission shall consider all of the following policies and priorities:

- “(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- (b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.”

In addition the Commissioners Handbook in Chapter Two contains policies and standards about the conversion of agricultural and open space lands. In general these policies indicate that LAFCO will approve a reorganization which will likely result in the conversion of open space land to other uses only if the Commission finds that the proposal will lead to planned, orderly, and efficient development.

Section 4.1, Land Use & Planning, of the project EIR contains a detailed discussion of information relating to these policies and priorities. The property is not prime agricultural land. The majority of the undeveloped land within the existing Oxnard sphere of influence is under agricultural cultivation. The amount of vacant or nonprime agricultural land within the City of Oxnard or the existing sphere of influence is quite limited and consists largely of other open space lands. Thus, to cause other properties to be developed would have greater impacts on agricultural land conversion or loss of open space.

The County allowed oil field waste disposal uses on lands designated as open space with a conditional use permit. This property was used as an oil field waste disposal site for approximately 28 years. In this respect it is unique among the open space designated lands in the vicinity. The proposed sphere amendment and related annexation to the City of Oxnard will likely lead to the conversion to urban uses, but also will cause the site to be cleaned from its current contaminated condition.

**LAFCO Staff Report
Reconsideration – LAFCO 99 - 33
North Shore Reorganization
June 21, 2000
Page 5 of 5**

RECOMMENDATION:

Upon reconsideration, approve the attached resolution making determinations and approving LAFCO 99-33 North Shore Reorganization, excluding the Reliant Energy canal area.

ALTERNATIVES TO THE RECOMMENDATION - ACTIONS AVAILABLE:

- A. If the Commission, following the public hearing on reconsideration and the review of the materials submitted, determines that further information is necessary, a motion to continue the matter should state specifically the type of information desired and specify a date certain for further consideration.
- B. If the Commission, following the public hearing and review of materials submitted with this application wishes to deny or modify this application, a motion to deny should include:
 - 1. Certify that your Commission has reviewed and considered the information contained in the application regarding the Environmental Impact Report, Findings of Impact, Statement of Overriding Considerations and Mitigation Measures.
 - 2. Adopt the City's Findings of Impact, Statement of Overriding Considerations and Environmental Impact Report in the form adopted by the Lead Agency, and make a specific determination that the significant issues and proposed mitigation measures as adopted by the Lead Agency adequately address the project. (Sections 15091, 15093, and 15096 [h]).
 - 3. Direct Staff to prepare and file a Notice of Determination in the same manner as a Lead Agency under Section 15075, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency (Section 15096[i]).
 - 4. Adoption of this report and all referenced materials as part of the public record.

BY: _____
Everett Millais, Executive Officer

LAFCO 99-33
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING UPON RECONSIDERATION THE
NORTH SHORE REORGANIZATION – ANNEXATION TO
THE CITY OF OXNARD; DETACHMENT FROM THE
VENTURA COUNTY FIRE PROTECTION DISTRICT;
DETACHMENT FROM THE VENTURA COUNTY
RESOURCE CONSERVATION DISTRICT

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox Local Government Reorganization Act (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearing by the Commission on the proposal; and

WHEREAS, the proposal was duly considered and approved on April 19, 2000, as specified in the notice of hearing; and

WHEREAS, three separate requests for reconsideration were filed pursuant to Section 56857 of the California Government Code; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearings by the Commission on the reconsideration requests; and

WHEREAS, the reconsideration requests were duly considered and approved on June 21, 2000, as specified in the notice of hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the reconsideration requests including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

LAFCO 99-33 Resolution of Approval
City of Oxnard – North Shore Reorganization
June 21, 2000
Page 2

- (1) This Resolution supercedes the Resolution adopted on April 19, 2000.
- (2) The Executive Officer's supplemental Staff Report and Recommendation for approval of the proposal dated June 21, 2000 is adopted.
- (3) Said annexation is hereby approved as recommended by the Executive Officer in the supplemental Staff Report
- (4) Said territory is found to be uninhabited.
- (5) The subject proposal is assigned the following distinctive short form designation:

**LAFCO 99 - 33 CITY OF OXNARD – NORTH
SHORE REORGANIZATION**

- (6) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A attached hereto and made a part hereof.
- (7) The Commission has reviewed and considered the information contained in the Environmental Impact Report and adopts the lead agency's Findings of Impact, Statement of Overriding Considerations and Mitigation Measures and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (8) The Commission directs Staff to file a Notice of Determination in the same manner as a lead agency under Section 15094, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency [Section 15096(l)].
- (9) The proposal is subject to the following terms and conditions:
 - a. **The City of Oxnard shall agree in writing to defend, indemnify and hold the Ventura Local Agency Formation Commission, its commissioners and staff harmless from and against all costs,**

expenses, fees, claims, demands and causes of action arising from the approval of this reorganization.

- b. That this reorganization shall not be recorded until maps and legal descriptions suitable for filing with the State Board of Equalization are received by LAFCO.**
- c. That this reorganization be recorded at the same time and in conjunction with, LAFCO 00-02 – Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.**

- (10) The Commission waives the conducting authority's further proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings. (Government Code Section 56837).

This resolution was adopted on June 21, 2000.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Clerk, Conducting Authority via Certified Mail

LAFCO 99-33 Resoultion of Approval
City of Oxnard – North Shore Reorganization
June 21, 2000
Page 4

Assessor
Auditor
Elections
Surveyor



STAFF REPORT

June 21, 2000

- PROJECT:** Reconsideration – LAFCO 00 – 02 Annexation No. 67 (north Shore at Mandalay Bay) to the Calleguas Municipal Water District and the Metropolitan Water District of Southern California
- PROPONENT:** Calleguas Municipal Water District, by Resolution
- SIZE:** Approximately 115 acres (approximately 95 acres without the Reliant Energy canal area; Note: The area proposed to be annexed is larger than the proposed Sphere of Influence amendment as Harbor Boulevard is already in the Calleguas Sphere)
- LOCATION:** The property is located at the northeast corner of West Fifth Street and Harbor Boulevard, in the Oxnard area
- PURPOSE:** Calleguas Municipal Water District is a wholesale purveyor of water to the City of Oxnard. This annexation will permit the City of Oxnard to provide water supplied by Calleguas to the property for the proposed development of no more than 353 single-family homes
- NOTICE:** This hearing for reconsideration has been published and posted in the manner prescribed by the Cortese/Knox Local Government Reorganization Act of 1985.

BACKGROUND:

This project was first heard on April 19, 2000. At that meeting the Commission voted unanimously to approve the proposed Reorganization. Subsequently, within the time frame provided by Cortese/Knox, three separate requests for reconsideration of this

COMMISSIONERS AND STAFF:

COUNTY:
Kathy Long
Judy Mikels

CITY:
Robin Sullivan, Chair
James L. Monahan

PUBLIC:
Jay R. Scott

SPECIAL DISTRICT:
John Rush, Vice Chair
Jack Curtis

EXECUTIVE OFFICER:
Everett Millais

ACTING SECRETARY TO THE COMMISSION:
Debbie Schubert

LAFCO Staff Report
Reconsideration – LAFCO 00 - 02
Annexation to Calleguas Municipal Water District
June 21, 2000
Page 2 of 5

Reorganization were received. The first reconsideration request was filed on behalf of North Shore at Mandalay Bay, the proposed developer of the single-family home project. The second reconsideration request was filed by the Environmental Defense Center on behalf of the California Native Plant Society. The third reconsideration request was filed by the Sierra Club. More detail about these requests is provided in the separate Staff Report that reviews the grounds for reconsideration and makes recommendations about whether or not the reconsideration requests should be granted.

The hearing for reconsidering this Reorganization proposal will only be held provided the Commission grants at least one of the reconsideration requests.

This Staff Report supplements the previous Staff Report, dated April 19, 2000, (copy attached) in order to review factors noted in the reconsideration requests and to provide recommendations for further action by the Commission.

ANALYSIS:

The reconsideration request filed on behalf of North Shore at Mandalay Bay, the proposed single-family developer, notes the procedural error involving lack of consent by all landowners and requests that the Commission modify its prior decision by excluding the Reliant Energy canal area (the area where the underlying landowner has not consented to annexation) from the reorganization proposal.

The two grounds for reconsideration stated by the EDC on behalf of the California Native Plant Society are that the lawsuit challenging the project environmental impact report (EIR) is not settled, contrary to representations made at the April 19, 2000 hearing, and that the Commission received inaccurate and incomplete information about the open space characteristics of the territory to be included in the Sphere of Influence Amendment. The grounds for the reconsideration request filed by the Sierra Club also are based on inaccurate and incomplete information about the open space characteristics of the property.

Lack of Landowner Consent and Reorganization Boundary Modification:

When the Commission first considered this reorganization proposal it granted approval based on representations as a part of the application that all landowners within the affected territory had given their written consent to the proposal. Subsequent information has shown that the representations made as a part of the application were incorrect as the owners of the Reliant Energy canal area had not given their written consent to the proposal. Given this significant procedural error, further action by the Commission is necessary.

LAFCO Staff Report
Reconsideration – LAFCO 00 - 02
Annexation to Calleguas Municipal Water District
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The Reliant Energy canal borders the easterly boundary of the proposal. It is approximately 230 feet in width and constitutes approximately 20 acres of the prior 115 acre area. Should the Sphere of Influence boundary for Calleguas Municipal Water District be amended as recommended, approving this reorganization request without the canal area would not create an island of unincorporated territory or otherwise conflict with the provisions of Cortese/Knox. Also, the other information contained in the April 19, 2000 staff report would remain valid, except as modified by this supplemental staff report.

Changed Settlement Status of the Environmental Litigation:

The EDC asks that the Commission reconsider its environmental decisions based on the changed settlement status of litigation involving the adequacy of the EIR for the project. The City of Oxnard as lead agency for the project prepared and certified an EIR, and adopted findings, a statement of overriding considerations, and a mitigation monitoring plan. As a responsible agency under the California Environmental Quality Act (CEQA) LAFCO can require the preparation of further environmental analysis in the form of a subsequent or supplemental EIR only based upon substantial evidence in the light of the whole record.

The whole record for this project includes the Memorandum of Understanding between the developer and the State Department of Fish and Game (provided separately to the Commission) which identifies project changes and enhanced mitigation measures. No new substantial evidence has been submitted to LAFCO indicating either substantial changes to the project circumstances or information not known when the EIR was certified. Staff does not believe that the changed settlement status of the environmental litigation per se is sufficient to require further environmental analysis or to not approve the Sphere of Influence Amendment.

Inaccurate and Incomplete Information About the Property's Open Space Designation:

At the April 19 hearing LAFCO heard testimony challenging the statement in the staff report that, the land is not considered open space as defined in Government Code section 65560. This statement is also part of the basis for the reconsideration requests by EDC and the Sierra Club.

In fact, this statement in the April 19, 2000 staff report was incorrect. Government Code section 65560 is attached for reference. As noted in the April staff report the County General Plan currently designates the property as Coastal Open Space. Further, as

LAFCO Staff Report
Reconsideration – LAFCO 00 - 02
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June 21, 2000
Page 4 of 5

noted in the EDC letter requesting reconsideration, the County General Plan states that one of the purposes of open space designations is to preserve natural resources. Simply because a property is considered as open space pursuant to Government Code section 65560 does not, however, preclude LAFCO from including such property within a jurisdiction's sphere of influence or within a jurisdiction's boundaries. Cortese/Knox (section 56377) states that in approving or disapproving proposals which could reasonably be expected to cause the conversion of existing open space lands to other than open space uses, the Commission shall consider all of the following policies and priorities:

- “(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- (b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.”

In addition the Commissioners Handbook in Chapter Two contains policies and standards about the conversion of agricultural and open space lands. In general these policies indicate that LAFCO will approve a reorganization which will likely result in the conversion of open space land to other uses only if the Commission finds that the proposal will lead to planned, orderly, and efficient development.

Section 4.1, Land Use & Planning, of the project EIR contains a detailed discussion of information relating to these policies and priorities. The property is not prime agricultural land. The majority of the undeveloped land within the existing Oxnard sphere of influence is under agricultural cultivation. The amount of vacant or nonprime agricultural land within the City of Oxnard or the existing sphere of influence is quite limited and consists largely of other open space lands. Thus, to cause other properties to be developed would have greater impacts on agricultural land conversion or loss of open space.

The County allowed oil field waste disposal uses on lands designated as open space with a conditional use permit. This property was used as an oil field waste disposal site for approximately 28 years. In this respect it is unique among the open space designated lands in the vicinity. The proposed sphere amendment and related

LAFCO Staff Report
Reconsideration – LAFCO 00 - 02
Annexation to Calleguas Municipal Water District
June 21, 2000
Page 5 of 5

annexation to the City of Oxnard will likely lead to the conversion to urban uses, but also will cause the site to be cleaned from its current contaminated condition.

RECOMMENDATION:

Upon reconsideration, approve the attached resolution making determinations and approving LAFCO 00-02 Annexation to Calleguas Municipal Water District, excluding the Reliant Energy canal area.

ALTERNATIVES TO THE RECOMMENDATION - ACTIONS AVAILABLE:

- A. If the Commission, following the public hearing on reconsideration and the review of the materials submitted, determines that further information is necessary, a motion to continue the matter should state specifically the type of information desired and specify a date certain for further consideration.
- B. If the Commission, following the public hearing and review of materials submitted with this application wishes to deny or modify this application, a motion to deny should include:
 - 1. Certify that your Commission has reviewed and considered the information contained in the application regarding the Environmental Impact Report, Findings of Impact, Statement of Overriding Considerations and Mitigation Measures.
 - 2. Adopt the City's Findings of Impact, Statement of Overriding Considerations and Environmental Impact Report in the form adopted by the Lead Agency, and make a specific determination that the significant issues and proposed mitigation measures as adopted by the Lead Agency adequately address the project. (Sections 15091, 15093, and 15096 [h]).
 - 3. Direct Staff to prepare and file a Notice of Determination in the same manner as a Lead Agency under Section 15075, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency (Section 15096[i]).
 - 4. Adoption of this report and all referenced materials as part of the public record.

BY: _____
Everett Millais, Executive Officer

LAFCO 00-02
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING UPON RECONSIDERATION
ANNEXATION NO. 67 (NORTH SHORE AT MANDALAY
BAY) TO THE CALLEGUAS MUNICIPAL WATER
DISTRICT AND THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox Local Government Reorganization Act (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearing by the Commission on the proposal; and

WHEREAS, the proposal was duly considered and approved on April 19, 2000, as specified in the notice of hearing; and

WHEREAS, three separate requests for reconsideration were filed pursuant to Section 56857 of the California Government Code; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearings by the Commission on the reconsideration requests; and

WHEREAS, the reconsideration requests were duly considered and approved on June 21, 2000, as specified in the notice of hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the reconsideration requests including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

LAFCO 00-02 Resolution of Approval
Callaguas Annexation No. 67
June 21, 2000
Page 2

- (1) This Resolution supercedes the Resolution adopted on April 19, 2000.
- (2) The Executive Officer's supplemental Staff Report and Recommendation for approval of the proposal dated June 21, 2000 is adopted.
- (3) Said annexation is hereby approved as recommended by the Executive Officer in the supplemental Staff Report
- (4) Said territory is found to be uninhabited.
- (5) The subject proposal is assigned the following distinctive short form designation:

**LAFCO 00-02 Annexation No. 67 (North Shore at
Mandalay Bay) to the Calleguas Municipal Water
District and Metropolitan Water District of
Southern California**

- (6) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A attached hereto and made a part hereof.
- (7) The Commission has reviewed and considered the information contained in the Environmental Impact Report and adopts the lead agency's Findings of Impact, Statement of Overriding Considerations and Mitigation Measures and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (8) The Commission directs Staff to file a Notice of Determination in the same manner as a lead agency under Section 15094, stating that the Commission has considered the Environmental Impact Report as prepared by the Lead Agency [Section 15096(l)].
- (9) The proposal is subject to the following terms and conditions:

LAFCO 00-02 Resoulution of Approval
Callaguas Annexation No. 67
June 21, 2000
Page 3

a. That this annexation be recorded at the same time and in conjunction with LAFCO 99-33 North Shore Reorganization to the City of Oxnard.

- (10) The Board of Directors of Calleguas Municipal Water District is designated as the conducting authority and is hereby authorized to proceed without notice, hearing and/or election.
- (11) Authorize the Calleguas Municipal Water District to initiate and conduct subsequent proceedings in compliance with the findings of the Local Agency Formation Commission only upon the signing of the resolution by the Chair.

This resolution was adopted on June 21, 2000.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Clerk, Conducting Authority via Certified Mail
Assessor
Auditor
Elections
Surveyor

STAFF REPORT

May 16, 2001

- PROPOSAL:** a) LAFCO 99-33 City of Oxnard – North Shore Reorganization
b) LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District
- PROPONENT:** a) City of Oxnard
b) Calleguas Municipal Water District
- SIZE:** a) 82.255 acres
b) 88.964 acres
- LOCATION:** The property is located at the northeast corner of West Fifth Street and Harbor Boulevard, in the Oxnard area of interest.
- ASSESSOR'S PARCELS:** 183-0-101-385 & a portion of 183-0-010-335
- PURPOSE:** a) Request for a one year extension of time to complete reorganization proceedings for the City of Oxnard.
b) Request for a one year extension of time to complete annexation proceedings for Calleguas Municipal Water District.
- NOTICE:** This matter has been noticed in the manner prescribed by law.

RECOMMENDATIONS:

- a) Approve the attached resolution granting a one year extension of time to complete reorganization proceedings for LAFCO 99-33 City of Oxnard – North Shore Reorganization.
- b) Approve the attached resolution granting a one year extension of time to complete annexation proceedings for LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District.

COMMISSIONERS AND STAFF:

COUNTY:
Kathy Long
Steve Bennett
Judy Mikels, Alternate

CITY:
John Zaragoza
Linda Parks
Evaristo Barajas, Alternate

PUBLIC:
Louis Cunningham
Kenneth M. Hess, Alternate

SPECIAL DISTRICT:
John Rush
Jack Curtis
Dick Richardson,
Alternate

EXECUTIVE OFFICER:
Everett Millais

PLANNER III:
Hollie Brunsky

CLERK:
Debbie Schubert

LEGAL COUNSEL:
Noel Klebaum

BACKGROUND:

LAFCO first approved these two related North Shore proposals, the City of Oxnard reorganization and the Calleguas Municipal Water District annexation, on April 20, 2000. Based on requests for reconsideration by the project developers, the Environmental Defense Center and the Los Padres Chapter of the Sierra Club, both proposals were reheard on June 21, 2000. Upon reconsideration, LAFCO again unanimously approved both proposals. The staff reports, LAFCO resolutions and minutes for both meetings are attached. The project Environmental Impact Report prepared for the City of Oxnard as lead agency was previously distributed to the Commission.

GENERAL ANALYSIS:

Government Code Section 57001 states:

“If a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party.”

The Commissioners Handbook provides that the Commission may grant a time extension only if requested prior to expiration of the one year statutory deadline, and only if the Commission finds the extension consistent with the policies in the Handbook and that all fees have been paid. The Handbook states that no extension shall exceed an additional twelve months.

One year extension of time requests have been filed by both the City of Oxnard and Calleguas Municipal Water District for the North Shore proposals because the North Shore project has not yet been approved by the California Coastal Commission. Coastal Commission approval is a critical entitlement in order for the North Shore project to be able to proceed. Without Coastal Commission approval the area involved with both LAFCO proposals would likely not need services, at least not within the next several years.

Due to fees that must be paid for service connections, it is unlikely that the reorganization and annexation will occur unless Coastal Commission approval is granted. The LAFCO resolutions approving both the reorganization and the annexation link both actions. Both must be recorded together, at the same time, before either action becomes final. Because the project developers must first pay substantial connection fees due to Metropolitan Water District, Calleguas has not yet notified LAFCO that it has

completed conducting authority proceedings (required under prior LAFCO law). Without this notification the terms and conditions of the LAFCO approvals cannot be met. The project developers do not want to pay the connection charges to Calleguas for Metropolitan Water District until they have Coastal Commission approval.

The North Shore project was and is controversial. It has a set of circumstances probably unique in the State. It involves the potential development of property containing coastal dunes and a rare and endangered plant species. The property, however, is severely contaminated by years of being a dumping ground for oil field wastes. Development was deemed the proper choice for clean-up by the City of Oxnard, and via agreements with a number of parties the developers are setting aside both on-site and off-site habitat and providing funding for propagating and protecting the endangered plant species. The unique circumstances involving the property will be considered by the Coastal Commission as a part of its review of the proposed project for consistency with the Coastal Act.

While LAFCO can certainly deny the extension of time requests, denial would only affect the requested extensions of time. The LAFCO approvals of the reorganization and annexation actions from last June will remain effective until June 21, 2001. If LAFCO denies the extension of time requests, the only way the project developers could preserve their ability to have the project considered by the Coastal Commission would be to pay the fees to Calleguas for Metropolitan Water District, thus causing Calleguas to notify LAFCO to record and finalize the reorganization and annexation before June 21, 2001. In such a scenario the reorganization and annexation would be finalized whether or not the Coastal Commission approves the proposed development.

As a matter of policy staff believes that it would not be in the best interest of any of the parties to deny the requested extensions of time and potentially force the prospect of having the reorganization and annexation finalized when the project causing the need for services can still be denied. No new issues have been raised since LAFCO's June 21, 2000 actions which were not known at the time of the approvals or which impact the time extension requests. Coastal Commission approval is recognized in the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 as being a "prerequisite" action and allows LAFCO to condition its actions on approval of the Coastal Commission. Given the complexity of the approval processes for the proposed project and the related length of time involved in seeking Coastal Commission review, however, extensions of time would still be necessary for the subject proposals.

ALTERNATIVES TO THE RECOMMENDATION - ACTIONS AVAILABLE:

- A. If the Commission, following public testimony and the review of the materials submitted, determines that further information is necessary, a motion to continue the matter should state specifically the type of information desired and specify a date certain for further consideration.

- B. If the Commission, following the public testimony and review of materials submitted wishes to deny the extension of time requests, a motion to deny should be made separately for each action.

BY: _____
Everett Millais, Executive Officer

LAFCO 99-33-A1
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION APPROVING A ONE YEAR
EXTENSION OF TIME FOR CITY OF OXNARD - NORTH
SHORE REORGANIZATION

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) approved, upon reconsideration, the City of Oxnard – North Shore Reorganization on June 21, 2000; and

WHEREAS, Government Code Section 57001 requires that a certificate of completion be recorded within one year after LAFCO approved the reorganization proposal, unless extended by LAFCO; and

WHEREAS, the City of Oxnard has submitted a request to LAFCO to extend the time for the recordation of a certificate of completion for a one year time period; and

WHEREAS, the request was submitted prior to the expiration of the one year time limit set forth in Section 57001, is consistent with the law and the policies of the Commissioners Handbook, and all LAFCO fees have been paid; and

WHEREAS, the basis of the request is that the development project necessitating the services for which the reorganization was approved has yet to be considered for approval by the California Coastal Commission; and

WHEREAS, approval of the development project by the California Coastal Commission is a prerequisite action for services to be necessary; and

WHEREAS, denial of the request to extend the time for the recordation of a certificate of completion could cause the reorganization to be completed prior to action by the California Coastal Commission, and prior to the need for services to be provided to the reorganization area; and

WHEREAS, no new issues or impacts have been raised since LAFCO's approval of the reorganization proposal which were not known and considered at the time of approval; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the requested extension of time, including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, LAFCO finds the requested extension of time to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the
Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation dated May 16, 2001 is adopted.
- (2) The time frame for recording a certificate of completion to complete proceedings for LAFCO 99-33 City of Oxnard – North Shore Reorganization is hereby extended to June 21, 2002.
- (3) All provisions, terms and conditions of the resolution approving LAFCO 99-33, dated June 21, 2000, shall remain in effect.

This resolution was adopted on May 16, 2001.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: City of Oxnard
Assessor
Auditor
Elections
Surveyor

LAFCO 00-02-A1
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION APPROVING A ONE YEAR
EXTENSION OF TIME FOR LAFCO 00-02 ANNEXATION
NO. 67 (NORTH SHORE AT MANDALAY BAY) TO THE
CALLEGUAS MUNICIPAL WATER DISTRICT AND
METROPOLITAN WATER DISTRICT OF SOUTHERN
CALIFORNIA

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) approved, upon reconsideration, LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District and Metropolitan Water District of Southern California on June 21, 2000; and

WHEREAS, Government Code Section 57001 requires that a certificate of completion be recorded within one year after LAFCO approved the reorganization proposal, unless extended by LAFCO; and

WHEREAS, the Calleguas Municipal Water District has submitted a request to LAFCO to extend the time for the recordation of a certificate of completion for a one year time period; and

WHEREAS, the request was submitted prior to the expiration of the one year time limit set forth in Section 57001, is consistent with the law and the policies of the Commissioners Handbook, and all LAFCO fees have been paid; and

WHEREAS, the basis of the request is that the development project necessitating the services for which the reorganization was approved has yet to be considered for approval by the California Coastal Commission; and

WHEREAS, approval of the development project by the California Coastal Commission is a prerequisite action for services to be necessary; and

WHEREAS, denial of the request to extend the time for the recordation of a certificate of completion could cause the reorganization to be completed prior to action by the California Coastal Commission, and prior to the need for services to be provided to the reorganization area; and

WHEREAS, no new issues or impacts have been raised since LAFCO's approval of the reorganization proposal which were not known and considered at the time of approval; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the requested extension of time, including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, the LAFCO finds the requested extension of time to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation dated May 16, 2001 is adopted.
- (2) The time frame for recording a certificate of completion to complete proceedings for LAFCO 00-02 Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District and Metropolitan Water District of Southern California is hereby extended to June 21, 2002.
- (3) All provisions, terms and conditions of the resolution approving LAFCO 00-02, dated June 21, 2000, shall remain in effect.

This resolution was adopted on May 16, 2001.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Ventura Local Agency Formation Commission

Copies: Calleguas Municipal Water District
Assessor
Auditor
Elections
Surveyor

STAFF REPORT

June 13, 2001

PROPOSAL: A. LAFCO 01-14 – City of Oxnard – North Shore Reorganization No. 2; Annexation to the City of Oxnard and Detachment from the Ventura County Fire Protection District and Detachment from the Ventura County Resource Conservation District

B. LAFCO 01-13 – Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2

PURPOSE: To annex a 70 foot wide area along the westerly side of the Reliant Energy (formerly Edison) Canal area to be made a part of the proposed North Shore at Mandalay Bay development and dedicated to the City of Oxnard for public recreational purposes.

PROPONENT: A. City of Oxnard by Resolution.

B. Calleguas Municipal Water District by Resolution.

SIZE: A. & B. Approximately 5.89 acres each

LOCATION: The subject property is located along the westerly side of the Reliant Energy (formerly Edison) Canal northerly of West Fifth Street in the Oxnard area.

**ASSESSOR'S
PARCEL NO.S:** Portions of Assessor's Parcel Nos. 183-0-010-305 and 325

NOTICE: This matter has been noticed in the manner prescribed by law.

RECOMMENDATIONS:

A. Adopt the attached resolution (LAFCO 01-14) making determinations and approving the City of Oxnard – North Shore Reorganization No. 2.

B. Adopt the attached resolution (LAFCO 01-13) making determinations and approving the Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2.

COMMISSIONERS AND STAFF:

COUNTY:
Kathy Long
Steve Bennett, Vice Chair
Judy Mikels, Alternate

CITY:
John Zaragoza
Linda Parks
Evaristo Barajas, Alternate

PUBLIC:
Louis Cunningham
Kenneth M. Hess, Alternate

SPECIAL DISTRICT:
John Rush, Chair
Jack Curtis
Dick Richardson,
Alternate

EXECUTIVE OFFICER:
Everett Millais

PLANNER III:
Hollie Brunsky

CLERK:
Debbie Schubert

LEGAL COUNSEL:
Noel Klebaum

GENERAL ANALYSIS:

1 Land Use:

A. Site Information

	Existing	Proposed
Zone District Classification	C-O-S-40 (Coastal Open Space – 40 acre minimum lot size), County of Ventura	RC (Coastal Recreation), City of Oxnard
General Plan Designation-	Open Space, County of Ventura	Planned Unit Residential, City of Oxnard
Use of Proposal Area	Vacant/ open space	A public pedestrian and bike corridor to be donated to the City of Oxnard as a part of the North Shore at Mandalay Bay project.

B. Surrounding Land Uses and Zoning and General Plan Designations

	Zone District Classification	General Plan Designation	Existing Use
North	EC (coastal energy), City & A-E (Agriculture Exclusive), County	Energy facilities (City) & Agricultural (County)	Electrical energy generating facility; agriculture (row crops)
South	RP (Coastal Resource Protection), City	Open Space	Vacant/ open space
East	A-E (Agriculture Exclusive), County	Agricultural	Agriculture (row crops)
West	RP (Coastal Resource Protection), City	Coastal Resource Protection, open space	Open space

C. Topography, Natural Features and Drainage:

The proposal area is generally level in topography. The subject area contains no significant natural features and has no special drainage characteristics.

D. Conformity with Plans

- A. The proposal area is located within the unincorporated area of the County but within the City's sphere of influence. The site is not located within any greenbelt area. The proposal conforms with the City's General Plan and with the plans approved by the City of Oxnard for the North Shore at Mandalay Bay project.

The County General Plan designation of Open Space, while not consistent with the adjoining proposed North Shore at Mandalay Bay project, is consistent with the intended use of the subject proposal area. As noted the proposal area is to be donated to the City of Oxnard and used as a public pedestrian and bike corridor. This type of outdoor recreation use is consistent with the definition of Open Space in the County General Plan and State law.

- B. The proposal area is within the CMWD's sphere of influence. The above comments about General Plan conformity also apply to the CMWD proposal.

2. Impact on Prime Agricultural Land, Open Space and Agriculture:

The proposal area is not being used for agriculture and does not meet the definition of prime agricultural land pursuant to Government Code Section 56064. The site is not under a Williamson Land Conservation Act contract.

The proposal area is considered as open space as defined in Government Code Section 65560 (part of State law relating to planning and zoning) in that it is designated as open space in the County General Plan. This County General Plan designation is also part of the County's Local Coastal Plan as the area is within the coastal zone boundary.

The proposals to annex the 70 foot wide area to both Oxnard and CMWD will not change the open space characterization under the law. Oxnard has pre-zoned this area as RC (Coastal Recreation) to reflect that the area will become publicly owned and used as a pedestrian and bike corridor. There is no question, however, that the proposal area when considered in conjunction with the adjoining proposed North Shore at Mandalay Bay project will have an impact on open space lands. This conversion of adjoining areas from open space to urban use was discussed as a part of the actions and considerations by both the City of Oxnard and LAFCO when both agencies approved the adjoining North Shore project. These related decisions for approval were made largely on the basis that conversion from open space was appropriate in this instance as the area is extremely contaminated with hazardous and toxic materials and allowing the conversion to urban use will provide for complete remediation.

3. Population:

The proposal area is undeveloped and there are no registered voters for the proposal area. Thus, the site is considered uninhabited. Upon annexation to the City of Oxnard and CMWD the proposal area will remain uninhabited.

4. Services and Controls – Need, Cost, Adequacy and Availability:

- A. Upon annexation the City has represented that the full range of City services, including water supply, sewage disposal, drainage, law enforcement, fire protection, and street lighting, will be provided. Utility improvements can be extended from existing lines within the vicinity of the proposal area and from the proposed North Shore at Mandalay Bay project. The developer will finance any necessary connections to utilities. Once improved as a pedestrian and bike corridor the area will be donated to the City of Oxnard who will be responsible for the on-going maintenance of public improvements.
- B. The District has indicated that its services can be extended immediately upon the annexation and the development of the adjoining North Shore at Mandalay Bay project. CMWD will supply water through existing infrastructure. The developer will pay for initial construction costs. On-going maintenance and operational costs will be financed by water sales to the City of Oxnard and other general revenues of CMWD.

5. Boundaries and Lines of Assessment:

The boundaries are definite and certain. There are no conflicts with lines of assessment. The County Planning Department, however, has indicated that the proposal area is a portion of a lot that was illegally created by conveyance from Southern California Edison to MRT Resources Co. in 1998. In order to have this matter corrected, a condition is included in the recommended resolutions requiring that the proposal area be created as a legal parcel in the County prior to the recordation of the reorganization or the annexation.

A map sufficient for filing with the State Board of Equalization has been received from the proponents.

6. Assessed Value, Tax Rates and Indebtedness:

The proposal is presently within tax rate areas 73021 and 73013 (each with a tax rate of \$1.117796 per \$100 of assessed valuation for land and improvements). Upon completion of the reorganization and annexation the area will be assigned to a new tax rate area.

The proposals involve a portion of two Assessor's Parcels. The total assessed value for each entire parcel per the 2000-2001 tax roll is:

APN 183-0-010-305: \$401,576

APN 183-0-010-325: \$1,814,278

7. Environmental Impact of the Proposal:

The City of Oxnard is the lead agency for these proposals. The City prepared and certified an Environmental Impact Report (No. 96-1; State Clearinghouse No. 97061004) for the North Shore at Mandalay Bay project that includes the proposal area. This 3 volume EIR was previously provided to the Commission. The City made findings listing significant environmental impacts anticipated from the larger project, and adopted a Statement of Overriding Considerations concerning biological resources (transplantation and relocation of the endangered milk-vetch plant is experimental and potentially significant) and solid waste facilities (cumulative potential impacts with other projects based on City of Oxnard thresholds of significance). Most of the environmental impacts identified do not relate directly to the proposal area (for example there are no milk-vetch plants located in the proposal area nor are there solid waste impacts solely from the proposal area).

8. Landowner and Agency Consent:

The proponents certify that all property owners involved in this proposal have given their written consent and consent has been obtained from the detaching agencies (Ventura County Fire Protection District and the Ventura County Resource Conservation District). Thus, LAFCO is requested to proceed without special notice, hearings or elections.

SPECIAL ANALYSIS:

As noted, these proposals are related to the North Shore at Mandalay Bay project. This project consists of a 333 home subdivision on approximately 82 acres immediately adjoining the proposal area. The project includes requirements for soil and groundwater remediation and the dedication of approximately 10 acres as a resource protection area for the protection of the endangered milk-vetch plant. The North Shore project as approved by the City of Oxnard and pending approval by the California Coastal Commission includes the pedestrian and bike corridor that are to be located in the current proposal area.

LAFCO approved the City of Oxnard – North Shore Reorganization (LAFCO 99-33) and Annexation No. 67 (North Shore at Mandalay Bay) to Calleguas Municipal Water District (LAFCO 00-02) at a reconsideration hearing on June 21, 2000.

Recently, on May 16, 2001, LAFCO extended the time for completion of the reorganization and annexation proceedings for one year (to June 21, 2002) because the City of Oxnard's Local Coastal Plan Amendment for the North Shore at Mandalay Bay project has yet to be considered by the California Coastal Commission. Coastal Commission approval is required for the North Shore project to proceed. Until and unless Coastal Commission approval is obtained it is unlikely that the reorganization and annexation previously approved will be finalized.

The area that is now a part of these proposals was not included with these earlier actions because the property owner at that time had not granted consent. LAFCO, however, did approve a change to the sphere of influence for both the City of Oxnard and CMWD in June 2000 to extend the sphere to coincide with the City's CURB boundary which is located on the easterly side of the Reliant Energy Canal. Part of the rationale for extending the sphere of Influence line was in recognition that the current proposal area is part of the North Shore project and representations by the North Shore developer that landowner consent would be obtained for these proposals.

Because these current proposals are linked with the North Shore at Mandalay Bay project which was the subject of prior LAFCO actions, a condition is recommended for each resolution requiring that recordation (finalization) of these proposals only occur at the same time or after the recordation of LAFCO 99-33 and LAFCO 00-02, the related actions from June 2000. This will prevent the annexation of the proposed 70 foot wide area independent of the annexation of the adjoining related areas.

ALTERNATIVE ACTIONS AVAILABLE:

- A. If the Commission, following public testimony and the review of the materials submitted, determines that further information is necessary, a motion to continue one or both of the proposals should state specifically the type of information desired and specify a date certain for further consideration.
- B. If the Commission, following public testimony and review of materials submitted with this application wishes to deny or modify this application, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

BY: _____
Everett Millais, Executive Officer

Attachments: (1) LAFCO 01-14 Resolution ; (2) LAFCO 01-13 Resolution

LAFCO 01-14

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE CITY OF OXNARD – NORTH
SHORE REORGANIZATION NO. 2; ANNEXATION TO
THE CITY OF OXNARD; DETACHMENT FROM THE
VENTURA COUNTY FIRE PROTECTION DISTRICT;
DETACHMENT FROM THE VENTURA COUNTY
RESOURCE CONSERVATION DISTRICT**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration of the proposal by the Commission; and

WHEREAS, the proposal was duly considered on June 13, 2001, as specified in the public notice; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the Executive Officer's Report and recommendation; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, information satisfactory to this Commission has been presented that all agencies having land detached within the affected territory have given their written consent for the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The LAFCO Executive Officer's Staff Report and Recommendation for approval of the proposal dated June 13, 2001 is adopted.
- (2) Said Reorganization as set forth in Exhibit A and attached hereto is hereby approved as submitted.
- (3) Said territory is found to be uninhabited.
- (4) The subject proposal is assigned the following distinctive short form designation:

**LAFCO 01-14 - CITY OF OXNARD – North Shore
Reorganization No. 2.**

- (5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A attached hereto and made a part hereof.
- (6) The Commission has reviewed and considered the information contained in the Environmental Impact Report prepared by the City of Oxnard as lead agency, adopts the lead agency's Findings of Impact, Statement of Overriding Considerations and Mitigation Measures, and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (7) The Commission directs staff to file a Notice of Determination in the same manner as a lead agency under Section 15094.
- (8) The proposal is subject to the following terms and conditions:
 - a. **The City of Oxnard shall agree in writing to defend, indemnify and hold the Ventura Local Agency Formation Commission, its commissioners and staff harmless from and against all costs, expenses, fees, claims, demands and causes of action arising from the approval of this reorganization.**
 - b. **This reorganization shall be recorded concurrently with LAFCO 01-13, Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2 (Calleguas Annexation No. 73).**
 - c. **This reorganization shall not be recorded until and unless the County Planning Division provides the Executive Officer written certification that the proposal area depicted on Exhibit A is a legal lot within the County of Ventura.**
 - d. **This reorganization shall be recorded concurrently with or subsequent to LAFCO 99-33, City of Oxnard – North Shore Reorganization.**

- (9) The Commission determines that the project is in compliance with Government Code Section 56741 as the proposal area is located within one county and is contiguous with the boundaries of the City of Oxnard.
- (10) The Commission waives conducting authority proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings. [Government Code Section 56663].

This resolution was adopted on June 13, 2001.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: City of Oxnard, Clerk
Assessor
Auditor
Elections
Surveyor

LAFCO 01-13

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING LAFCO 01-13, CALLEGUAS
MUNICIPAL WATER DISTRICT ANNEXATION – NORTH
SHORE AT MANDALAY BAY NO. 2 (CALLEGUAS
ANNEXATION NO. 73)**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on June 13, 2001; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The Executive Officer's Staff Report and Recommendation for approval of the proposal dated June 13, 2001 is adopted.
- (2) Said annexation as set forth in Exhibit A and attached hereto is hereby approved as submitted.
- (3) Said territory is found to be uninhabited.

- (4) The subject proposal is assigned the following short form designation:
LAFCO 01-13 Calleguas Municipal Water District Annexation – North Shore at Mandalay Bay No. 2.
- (5) The boundaries of the affected territory are found to be definite and certain as approved.
- (6) The Commission has reviewed and considered the information contained in the Environmental Impact Report prepared by the City of Oxnard as lead agency, adopts the lead agency's Findings of Impact, Statement of Overriding Considerations and Mitigation Measures, and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (7) The Commission directs Staff to file a Notice of Determination in the same manner as a lead agency under Section 15094.
- (8) The proposal is subject to the following terms and conditions:
 - a. **This annexation shall be recorded concurrent with the LAFCO 01-14, City of Oxnard – North Shore Reorganization No. 2.**
 - b. **This annexation shall not be recorded until and unless the County Planning Division provides the Executive Officer with written certification that the proposal area depicted on Exhibit A is a legal lot within the County of Ventura.**
 - c. **This annexation shall be recorded concurrently with or subsequent to LAFCO 00-02, Annexation No. 67 (North Shore at Mandalay Bay) to the Calleguas Municipal Water District.**
 - d. **This annexation shall not be recorded until and unless Calleguas Municipal Water District provides the Executive Officer with a certified copy of a resolution by Calleguas Municipal Water District accepting the terms and conditions of Metropolitan Water District of Southern California and directing the annexation of the proposal area depicted on Exhibit A.**
- (9) The Commission waives conducting authority proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have consented in writing to the

waiver of conducting authority proceedings. [Government Code Section 56663].

This resolution was adopted on June 13, 2001.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Calleguas Municipal Water District
Assessor
Auditor
Elections
Surveyor